

1 AN ACT concerning missing persons.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Missing Persons Identification Act.

6 Section 5. Missing person reports.

7 (a) Report acceptance. All law enforcement agencies shall
8 accept without delay any report of a missing person. Acceptance
9 of a missing person report filed in person may not be refused
10 on any ground. No law enforcement agency may refuse to accept a
11 missing person report:

12 (1) on the basis that the missing person is an adult;

13 (2) on the basis that the circumstances do not indicate
14 foul play;

15 (3) on the basis that the person has been missing for a
16 short period of time;

17 (4) on the basis that the person has been missing a
18 long period of time;

19 (5) on the basis that there is no indication that the
20 missing person was in the jurisdiction served by the law
21 enforcement agency at the time of the disappearance;

22 (6) on the basis that the circumstances suggest that
23 the disappearance may be voluntary;

24 (7) on the basis that the reporting individual does not
25 have personal knowledge of the facts;

26 (8) on the basis that the reporting individual cannot
27 provide all of the information requested by the law
28 enforcement agency;

29 (9) on the basis that the reporting individual lacks a
30 familial or other relationship with the missing person; or

31 (10) for any other reason.

32 (b) Manner of reporting. All law enforcement agencies shall

1 accept missing person reports in person. Law enforcement
2 agencies are encouraged to accept reports by phone or by
3 electronic or other media to the extent that such reporting is
4 consistent with law enforcement policies or practices.

5 (c) Contents of report. In accepting a report of a missing
6 person, the law enforcement agency shall attempt to gather
7 relevant information relating to the disappearance. The law
8 enforcement agency shall attempt to gather at the time of the
9 report information that shall include, but shall not be limited
10 to, the following:

11 (1) the name of the missing person, including
12 alternative names used;

13 (2) the missing person's date of birth;

14 (3) the missing person's identifying marks, such as
15 birthmarks, moles, tattoos, and scars;

16 (4) the missing person's height and weight;

17 (5) the missing person's gender;

18 (6) the missing person's race;

19 (7) the missing person's current hair color and true or
20 natural hair color;

21 (8) the missing person's eye color;

22 (9) the missing person's prosthetics, surgical
23 implants, or cosmetic implants;

24 (10) the missing person's physical anomalies;

25 (11) the missing person's blood type, if known;

26 (12) the missing person's drivers license number, if
27 known;

28 (13) the missing person's social security number, if
29 known;

30 (14) a photograph of the missing person; recent
31 photographs are preferable and the agency is encouraged to
32 attempt to ascertain the approximate date the photograph
33 was taken;

34 (15) a description of the clothing the missing person
35 was believed to be wearing;

36 (16) a description of items that might be with the

1 missing person, such as jewelry, accessories, and shoes or
2 boots;

3 (17) information on the missing person's electronic
4 communications devices, such as cell phone numbers and
5 e-mail addresses;

6 (18) the reasons why the reporting individual believes
7 that the person is missing;

8 (19) the name and location of the missing person's
9 school or employer, if known;

10 (20) the name and location of the missing person's
11 dentist or primary care physician, or both, if known;

12 (21) any circumstances that may indicate that the
13 disappearance was not voluntary;

14 (22) any circumstances that may indicate that the
15 missing person may be at risk of injury or death;

16 (23) a description of the possible means of
17 transportation of the missing person, including make,
18 model, color, license number, and Vehicle Identification
19 Number of a vehicle;

20 (24) any identifying information about a known or
21 possible abductor or person last seen with the missing
22 person, or both, including:

23 (A) name;

24 (B) a physical description;

25 (C) date of birth;

26 (D) identifying marks;

27 (E) the description of possible means of
28 transportation, including make, model, color, license
29 number, and Vehicle Identification Number of a
30 vehicle;

31 (F) known associates;

32 (25) any other information that may aid in locating the
33 missing person; and

34 (26) the date of last contact.

35 (d) Notification and follow up action.

36 (1) Notification. The law enforcement agency shall

1 notify the person making the report, a family member, or
2 other person in a position to assist the law enforcement
3 agency in its efforts to locate the missing person of the
4 following:

5 (A) general information about the handling of the
6 missing person case or about intended efforts in the
7 case to the extent that the law enforcement agency
8 determines that disclosure would not adversely affect
9 its ability to locate or protect the missing person or
10 to apprehend or prosecute any person criminally
11 involved in the disappearance;

12 (B) that the person making the report or other
13 necessary person should promptly contact the law
14 enforcement agency if the missing person remains
15 missing to provide additional information and
16 materials that will aid in locating the missing person.
17 The law enforcement agency should also notify the
18 person(s) of the specific information or materials
19 needed, such as credit/debit cards the missing person
20 has access to (and other banking information) and
21 records of cell phone use; and

22 (C) that any DNA samples provided for the missing
23 person case are provided on a voluntary basis and will
24 be used solely to help locate or identify the missing
25 person and will not be used for any other purpose.

26 The law enforcement agency, upon acceptance of a
27 missing person report, shall inform the reporting citizen
28 of one of 2 resources, based upon the age of the missing
29 person. If the missing person is under 18 years of age,
30 contact information for the National Center for Missing and
31 Exploited Children shall be given. If the missing person is
32 age 18 or older, contact information for the National
33 Center for Missing Adults shall be given.

34 Agencies handling the remains of a missing person who
35 is deceased must notify the agency handling the missing
36 person's case. Documented efforts must be made to locate

1 family members of the deceased person to inform them of the
2 death and location of the remains of their family member.

3 The law enforcement agency is encouraged to make
4 available informational materials, through publications or
5 electronic or other media, that advise the public about how
6 the information or materials identified in this subsection
7 are used to help locate or identify missing persons.

8 (2) Follow up action. If the person identified in the
9 missing person report remains missing after 30 days, and
10 the additional information and materials specified below
11 have not been received, the law enforcement agency shall
12 attempt to obtain:

13 (A) DNA samples from family members or from the
14 missing person along with any needed documentation, or
15 both, including any consent forms, required for the use
16 of State or federal DNA databases, including, but not
17 limited to, the Local DNA Database (LDIS), State DNA
18 Database (SDIS), and National DNA Database (NDIS);

19 (B) an authorization to release dental or skeletal
20 x-rays of the missing person;

21 (C) any additional photographs of the missing
22 person that may aid the investigation or an
23 identification; the law enforcement agency is not
24 required to obtain written authorization before it
25 releases publicly any photograph that would aid in the
26 investigation or identification of the missing person;

27 (D) dental information and x-rays; and

28 (E) fingerprints.

29 (3) All DNA samples obtained in missing person cases
30 shall be immediately forwarded to the Department of State
31 Police for analysis. The Department of State Police shall
32 establish procedures for determining how to prioritize
33 analysis of the samples relating to missing person cases.

34 (4) Information relevant to the Federal Bureau of
35 Investigation's Violent Criminal Apprehension Program
36 shall be entered as soon as possible.

1 (vi) the person has been the subject of past
2 threats or acts of violence; or

3 (H) of any other factor that may, in the judgment
4 of the law enforcement official, indicate that the
5 missing person may be at risk.

6 (2) Law enforcement risk assessment.

7 (A) Upon initial receipt of a missing person
8 report, the law enforcement agency shall immediately
9 determine whether there is a basis to determine that
10 the missing person is a high-risk missing person.

11 (B) If a law enforcement agency has previously
12 determined that a missing person is not a high-risk
13 missing person, but obtains new information, it shall
14 immediately determine whether the information
15 indicates that the missing person is a high-risk
16 missing person.

17 (C) Risk assessments identified in this subsection
18 shall be performed no later than 72 hours after the
19 initial missing person report or the new information is
20 provided to the law enforcement agency.

21 (D) Law enforcement agencies are encouraged to
22 establish written protocols for the handling of
23 missing person cases to accomplish the purposes of this
24 Act.

25 (3) Law enforcement agency reports.

26 (A) When the law enforcement agency determines
27 that the missing person is a high-risk missing person,
28 it shall: (i) notify the Department of State Police;
29 (ii) immediately provide to the Department of State
30 Police the information most likely to aid in the
31 location and safe return of the high-risk missing
32 person; and (iii) provide as soon as practicable all
33 other information obtained relating to the missing
34 person case.

35 (B) The Department of State Police shall
36 immediately notify all law enforcement agencies within

1 this State and the surrounding region of the
2 information that will aid in the prompt location and
3 safe return of the high-risk missing person.

4 (C) The local law enforcement agencies that
5 receive the notification from the Department of State
6 Police shall notify officers to be on the lookout for
7 the missing person or a suspected abductor.

8 (D) The responding local law enforcement agency
9 shall immediately enter all collected information
10 relating to the missing person case in available State
11 and federal databases. The information shall be
12 provided to in accordance with applicable guidelines
13 relating to the databases. The information shall be
14 entered as follows:

15 (i) A missing person report in high-risk
16 missing person cases, and relevant information
17 provided in the report, shall be entered in the
18 National Crime Information Center database no
19 later than 2 hours after the determination that the
20 missing person is a high-risk missing person; all
21 other missing person reports and relevant
22 information provided in the report shall be
23 entered within one day after the missing person
24 report is received. Supplemental information in
25 high-risk missing person cases shall be entered as
26 soon as practicable.

27 (ii) All DNA profiles shall be uploaded into
28 the missing person databases of the State DNA Index
29 System (SDIS) and National DNA Index System (NDIS)
30 after completion of the DNA analysis and other
31 procedures required for database entry.

32 (iii) Information relevant to the Federal
33 Bureau of Investigation's Violent Criminal
34 Apprehension Program shall be entered as soon as
35 possible.

36 (E) The Department of State Police shall ensure

1 that persons entering data relating to medical or
2 dental records in State or federal databases are
3 specifically trained to understand and correctly enter
4 the information sought by these databases. The
5 Department of State Police shall either use a person
6 with specific expertise in medical or dental records
7 for this purpose or consult with a chief medical
8 examiner, forensic anthropologist, or odontologist to
9 ensure the accuracy and completeness of information
10 entered into the State and federal databases.

11 (F) Pursuant to any applicable State criteria,
12 local law enforcement agencies shall also provide for
13 the prompt use of an Amber Alert or public
14 dissemination of photographs in appropriate high risk
15 cases.

16 Section 15. Reporting of unidentified persons and human
17 remains.

18 (a) Handling of death scene investigations.

19 (1) The Department of State Police shall provide
20 information to local law enforcement agencies about best
21 practices for handling death scene investigations.

22 (2) The Department of State Police shall identify any
23 publications or training opportunities that may be
24 available to local law enforcement agencies or law
25 enforcement officers concerning the handling of death
26 scene investigations.

27 (b) Law enforcement reports.

28 (1) After performing any death scene investigation
29 deemed appropriate under the circumstances, the official
30 with custody of the human remains shall ensure that the
31 human remains are delivered to the coroner or medical
32 examiner of the county in which the deceased was found.

33 (2) Any person with custody of human remains that are
34 not identified within 24 hours of discovery shall promptly
35 notify the Department of State Police of the location of

1 those remains.

2 (3) If the person with custody of remains cannot
3 determine whether or not the remains found are human, the
4 person shall notify the Department of State Police of the
5 existence of possible human remains.

6 Section 20. Unidentified persons or human remains
7 identification responsibilities.

8 (a) If the official with custody of human remains is not a
9 medical examiner, the official shall promptly transfer the
10 unidentified remains to the medical examiner or coroner of the
11 county in which the remains were found.

12 (b) Notwithstanding any other action deemed appropriate
13 for the handling of the human remains, the medical examiner or
14 coroner shall make reasonable attempts to promptly identify
15 human remains. These actions may include but are not limited to
16 obtaining:

17 (1) photographs of the human remains (prior to an
18 autopsy);

19 (2) dental or skeletal X-rays;

20 (3) photographs of items found with the human remains;

21 (4) fingerprints from the remains, if possible;

22 (5) samples of tissue suitable for DNA typing, if
23 possible;

24 (6) samples of whole bone or hair suitable for DNA
25 typing, or both;

26 (7) any other information that may support
27 identification efforts.

28 (c) No medical examiner or coroner or any other person
29 shall dispose of, or engage in actions that will materially
30 affect the unidentified human remains before the medical
31 examiner or coroner obtains:

32 (1) samples suitable for DNA identification,
33 archiving;

34 (2) photographs of the unidentified person or human
35 remains; and

1 (3) all other appropriate steps for identification
2 have been exhausted.

3 (d) Cremation of unidentified human remains is prohibited.

4 (e) The medical examiner or coroner or the Department of
5 State Police shall make reasonable efforts to obtain prompt DNA
6 analysis of biological samples if the human remains have not
7 been identified by other means within 30 days.

8 (f) The medical examiner or coroner or the Department of
9 State Police shall seek support from appropriate State and
10 federal agencies for human remains identification efforts.
11 This support may include, but is not be limited to, available
12 mitochondrial or nuclear DNA testing, federal grants for DNA
13 testing, or federal grants for crime laboratory or medical
14 examiner or coroner's office improvement.

15 (g) The Department of State Police shall promptly enter
16 information in federal and State databases that may aid in the
17 identification of missing persons. Information shall be
18 entered into federal databases as follows:

19 (1) information for the National Crime Information
20 Center shall be entered within 72 hours;

21 (2) DNA profiles and information shall be entered into
22 the National DNA Index System (NDIS) within 5 business days
23 after the completion of the DNA analysis and procedures
24 necessary for the entry of the DNA profile; and

25 (3) information sought by the Violent Criminal
26 Apprehension Program database shall be entered as soon as
27 practicable.

28 (h) If the Department of State Police does not input the
29 data directly into the federal databases, the Department of
30 State Police shall consult with the medical examiner or
31 coroner's office to ensure appropriate training of the data
32 entry personnel and the establishment of a quality assurance
33 protocol for ensuring the ongoing quality of data entered in
34 the federal and State databases.

35 (i) Nothing in this Act shall be interpreted to preclude
36 any medical examiner or coroner's office, the Department of

1 State Police, or a local law enforcement agency from pursuing
2 other efforts to identify unidentified human remains including
3 efforts to publicize information, descriptions, or photographs
4 that may aid in the identification of the unidentified remains,
5 allow family members to identify the missing person, and seek
6 to protect the dignity of the missing person.

7 Section 95. The Department of State Police Law of the Civil
8 Administrative Code of Illinois is amended by changing Section
9 2605-375 as follows:

10 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

11 Sec. 2605-375. Missing persons; Law Enforcement Agencies
12 Data System (LEADS).

13 (a) To establish and maintain a statewide Law Enforcement
14 Agencies Data System (LEADS) for the purpose of providing
15 electronic access by authorized entities to criminal justice
16 data repositories and effecting an immediate law enforcement
17 response to reports of missing persons, including lost, missing
18 or runaway minors and missing endangered seniors. The
19 Department shall implement an automatic data exchange system to
20 compile, to maintain, and to make available to other law
21 enforcement agencies for immediate dissemination data that can
22 assist appropriate agencies in recovering missing persons and
23 provide access by authorized entities to various data
24 repositories available through LEADS for criminal justice and
25 related purposes. To assist the Department in this effort,
26 funds may be appropriated from the LEADS Maintenance Fund.

27 (b) In exercising its duties under this Section, the
28 Department shall do the following:

29 (1) Provide a uniform reporting format for the entry of
30 pertinent information regarding the report of a missing
31 person into LEADS. The report must include all of the
32 following:

33 (A) Relevant information obtained from the
34 notification concerning the missing person, including

1 all of the following:

2 (i) a physical description of the missing
3 person;

4 (ii) the date, time, and place that the missing
5 person was last seen; and

6 (iii) the missing person's address.

7 (B) Information gathered by a preliminary
8 investigation, if one was made.

9 (C) A statement by the law enforcement officer in
10 charge stating the officer's assessment of the case
11 based on the evidence and information received.

12 The Department of State Police shall prepare the report
13 required by this paragraph (1) as soon as practical, but
14 not later than 5 hours after the Department receives
15 notification of a missing person.

16 (2) Develop and implement a policy whereby a statewide
17 or regional alert would be used in situations relating to
18 the disappearances of individuals, based on criteria and in
19 a format established by the Department. Such a format shall
20 include, but not be limited to, the age of the missing
21 person and the suspected circumstance of the
22 disappearance.

23 (3) Notify all law enforcement agencies that reports of
24 missing persons shall be entered as soon as the minimum
25 level of data specified by the Department is available to
26 the reporting agency and that no waiting period for the
27 entry of the data exists.

28 (4) Compile and retain information regarding lost,
29 abducted, missing, or runaway minors in a separate data
30 file, in a manner that allows that information to be used
31 by law enforcement and other agencies deemed appropriate by
32 the Director, for investigative purposes. The information
33 shall include the disposition of all reported lost,
34 abducted, missing, or runaway minor cases.

35 (5) Compile and maintain an historic data repository
36 relating to lost, abducted, missing, or runaway minors and

1 other missing persons, including, but not limited to,
2 missing endangered seniors, in order to develop and improve
3 techniques utilized by law enforcement agencies when
4 responding to reports of missing persons.

5 (6) Create a quality control program regarding
6 confirmation of missing person data, timeliness of entries
7 of missing person reports into LEADS, and performance
8 audits of all entering agencies.

9 (7) Upon completion of the report required by paragraph
10 (1), the Department of State Police shall immediately
11 forward the contents of the report to all of the following:

12 (A) all law enforcement agencies that have
13 jurisdiction in the location where the missing person
14 lives and all law enforcement agencies that have
15 jurisdiction in the location where the missing person
16 was last seen;

17 (B) all law enforcement agencies to which the
18 person who made the notification concerning the
19 missing person requests the report be sent, if the
20 Department determines that the request is reasonable
21 in light of the information received;

22 (C) all law enforcement agencies that request a
23 copy of the report; and

24 (D) the National Crime Information Center's
25 Missing Person File, if appropriate.

26 (8) The Department of State Police shall begin an
27 investigation concerning the missing person not later than
28 24 hours after receiving notification of a missing person.

29 (c) The Illinois Law Enforcement Training Standards Board
30 shall conduct a training program for law enforcement personnel
31 of local governmental agencies in the statewide coordinated
32 missing endangered senior alert system established under this
33 Section.

34 (d) The Department of State Police shall perform the duties
35 prescribed in the Missing Persons Identification Act.

36 (Source: P.A. 94-145, eff. 1-1-06.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.